

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE NATIONAL COLLEGIATE)	MDL No. 2492
ATHLETIC ASSOCIATION STUDENT-)	
ATHLETE CONCUSSION INJURY)	Master Docket No. 1:13-cv-09116
LITIGATION)	
)	This Document Relates to All Cases
)	
)	Judge John Z. Lee
)	
)	Magistrate Judge Geraldine Soat Brown

**SUBMISSION OF THE NCAA REGARDING THE
SUFFICIENCY OF THE MEDICAL MONITORING FUND**

Defendant National Collegiate Athletic Association (“NCAA”) makes the following submission regarding the sufficiency of the Medical Monitoring Fund:¹

The Court addressed in its December 17, 2014 Memorandum Opinion and Order the sufficiency of the Medical Monitoring Fund and requested additional information on that issue. See Dec. 17, 2014 Mem. Op. and Order (Dkt. #115) at 12, 14-15. At the December 19, 2014 hearing, there was additional discussion regarding this issue, and at that time, the NCAA indicated to the Court that in addition to the experts retained by Plaintiffs and their counsel, the NCAA had also separately retained experts and had worked with them throughout the mediation process to ensure that the proposed settlement was fair, reasonable and adequate. See Dec. 19, 2014 Hr’g Tr. (Dkt. #137) at 21:2-9.

The report of Ross Mishkin of The Claro Group is attached. See Claro Report, Ex. A hereto. The Claro Report considers a number of scenarios and concludes that the Medical

¹ Capitalized terms in this submission have the meaning ascribed to them in the Amended Class Action Settlement Agreement And Release, which itself is Exhibit 1 to the joint motion for preliminary approval of class settlement and certification of settlement class filed with the Court on April 14, 2015. See Am. Settlement Agt. (Dkt. #154-1).

Monitoring Fund will be more than sufficient to meet all anticipated needs in all likely scenarios.² See id. And while the methodology used in the Claro Report differs to a degree from the methodology utilized by Plaintiffs' expert, the conclusions reached by both experts are effectively the same: the Medical Monitoring Fund will be sufficient to meet all anticipated needs.³ See Claro Report, Ex. A hereto, at 13; Expert Report of Bruce Deal (Dkt. #160) at ¶ 91.

Dated: April 15, 2015

Respectfully submitted,

/s/ Mark S. Mester

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² The backup injury surveillance data utilized by Mr. Mishkin in the Claro Report (NCAA10137514-NCAA10137954) is being provided to the Court under seal.

³ Mr. Mishkin will be present at the April 17, 2015 hearing and will be able to answer any questions the Court may have with regard to the Claro Report and/or the sufficiency of the Medical Monitoring Fund.

CERTIFICATE OF SERVICE

I, Mark S. Mester, certify that on April 15, 2015, a true and correct copy of the foregoing Submission Of The NCAA Regarding The Sufficiency Of The Medical Monitoring Fund was filed through the ECF system and served upon the following parties by prepaid first class mail.

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